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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,330	10/27/2003	Oliver Hrazdera	17334	3854

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CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
PO BOX 1895, M.S. 641
NEW HOLLAND, PA 17557

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,330

Applicant(s)

HRAZDERA, OLIVER

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/03, 5/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for controlling the gear box ratio such that one or all wheels may be provided with different rotational speeds (claims 1, 9), the means for varying tire air pressure (claim 1), the mechanical, hydraulic, pneumatic or electrical adjustment elements (claim 4), plural fuel tanks and circulating pumps (claim 5), a single fuel tank with multiple compartments (claim 6) and fill pumps, and the oblique arrangement of the vehicle wheels (claim 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

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had possession of the claimed invention. In claim 1, line 16, the claim refers to the controlling of a means for changing the position of a center of gravity, however the specification as filed fails to describe any particular control scheme which one of ordinary skill in the art would apply in order to control wheel slip by adjusting a center of gravity of the inventive vehicle; in claim 2, lines 1-2, the claim recites a selection of control priority "in accordance with" other values, however the specification as filed fails to describe any particular prioritizing hierarchy which would allow one of ordinary skill in the art to make the inventive vehicle; in claim 4, the claim recites various means for changing the vehicle's center of gravity, however none of these arrangements are disclosed in the specification, to the degree that one of ordinary skill in the art would be able to understand how such an adjustment is undertaken, applicant should note that mechanical, hydraulic, pneumatic and electrical adjustment arrangements for moving a weight which would have a substantive effect on vehicle center of gravity are not trivial devices; in claims 7 and 9, the claims recites a gearbox which may allow adjustment of front and rear wheel sets independently, or allow the variation of one or all of the wheels with different rotation speeds, however the specification fails to describe the such a device, and any necessary operational interfaces to a controller and/or microcomputer; in claim 8, the claim recites an arrangement wherein the vehicle wheels are set obliquely to a longitudinal or vertical vehicle axis, however the specification does not describe such an arrangement in a manner which would allow one of ordinary skill in the art to make and/or use the invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 10, it is not clear which means is being recited as connected to the microcomputer; in claim 1, lines 14-18, the recitation refers to the control of plural means through the controllers, however the only recited connection of the controllers are to the microcomputer and the means for varying the control of the gearbox ratio; in claim 2, lines 1-2 and claim 10, lines 1-2, it is not clear what control priorities are being referred to.

Claims Not Rejected by the Prior Art

4. Claims 1-10 are not rejected as being anticipated by or obvious over the prior art of record, however they are not in condition for allowance in view of the rejections under 35 USC 112, first and second paragraphs.

5. As regards claims currently rejected under 35 USC §112, second paragraph, please further note that rejections under 35 USC §102 and 103 should not be based upon considerable speculation as to the meaning of the terms employed and assumptions as to the scope of the claims when the claims are not definite. See *In re Steele* 305 F.2d 859, 862, 134 USPQ 292, 295 (CCPA 1962). When no reasonably definite meaning can be ascribed to certain terms in a claim, the subject matter does not become anticipated or obvious, but rather the claim becomes indefinite. See *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). As such the currently pending claims may be subject to prior art rejections not set forth herein upon the clarification of the claim language.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goodell (US 5,327,346), Ottestad (US 5,685,563), Salcher et al. (US 6,009,969), Richards (US 6,189,668), Skotnikov (US 6,212,464), Boe et al. (US 6,216,072), Sekiya et al. (US 6,330,928), Grant (US 6,408,971), Schmitt et al. (US 6,487,489), Bell (US 6,499,552), and Bauer et al. (US 6,819,980) teach control devices and structures of pertinence.

7. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618


9/7/05